



Washington, D.C. 20505

OCA88-0537

23 FEB 1988

Mr. Jack Brooks, Chairman
Committee on Government Operations
House of Representatives
Washington, D.C. 20515

Dear Chairman Brooks:

The Director of Central Intelligence has asked me to respond to your letter dated 9 February 1988, which was received at CIA on 18 February, concerning Section 630 of Public Law No. 100-202. Section 630 limits the use of secrecy agreements to protect classified information, including sensitive compartmented information (SCI) for which the Director of Central Intelligence has a special responsibility.

We remain concerned with the potential impact of Section 630 on our existing SCI program and have made those concerns known to the Administration and the intelligence oversight committees. Meanwhile, in order to comply with Section 630 while continuing to protect intelligence sources and methods, the Director of Central Intelligence has taken the interim step of attaching the enclosed addendum to all of our secrecy agreements. Also, the Director of the Intelligence Community Staff, on behalf of the Director of Central Intelligence, has instructed all departments, agencies and offices responsible for SCI indoctrination and debriefings to attach the addendum to the form 4193 and any other non-disclosure agreement used for the protection of SCI.

I can assure you that the Director of Central Intelligence intends to act in accordance with the requirements of Section 630 as long as that provision remains in effect.

I trust that this information is responsive to your inquiry.

Sincerely yours,



John L. Helgeson
Director of Congressional Affairs

STAT

Enclosure

The obligations imposed by this Agreement shall be implemented and enforced in a manner consistent with the section entitled "Employee Disclosure Agreements" contained in P.L. 100-202, Continuing Appropriations for Fiscal Year 1988, 22 December 1987, and other applicable law.

Witness Signature

Date: _____

Signature

Date: _____

SUBJECT: Section 630 of Public Law No. 100-202

OCA/Leg/ [] (22 February 1988)

STAT

Distribution:

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1 - ADGC/AL&MS/OGC

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Routing Slip

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SUSPENSE

Date

STAT

Action Officer:

Remarks:

Name/Date

TO:

		ACTION	INFO	DATE	INITIAL
1	DCI		X		
2	DDCI		X		
3	EXDIR		X		
4	D/ICS		X		
5	DDI				
6	DDA		X		
7	DDO				
8	DDS&T				
9	Chm/NIC				
10	GC		X		
11	IG				
12	Compt				
13	D/OCA	X			
14	D/PAO				
15	D/PERS				
16	D/Ex Staff				
17	D/Security		X		
18	Counsel to the	X			
19	DCI				
20					
21					
22					
SUSPENSE		COB 19 Feb 88			
		Date			

Remarks D/OCA will respond over his signature.

STAT

Executive Secretary
18 Feb 88

Date

3637 (10-81)

To: The Director

17 FEB 1988

From: John Helgerson

☐ We plan to prepare an
answer for your signature.

☒ We plan to prepare an
answer for my signature.

☐ No answer expected or required

☐ John, I prefer to _____

ONE HUNDREDTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON GOVERNMENT OPERATIONS

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515

February 9, 1988

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The Honorable William H. Webster
Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Mr. Webster:

On December 22, 1987, P.L. 100-202 was enacted. That law provides in Section 630 that "No funds appropriated in this or any other Act for fiscal year 1988 may be used to implement or enforce the agreements in Standard Forms 189 and 4193 of the Government or any other nondisclosure policy, form, or agreement" which runs afoul of certain specified criteria.

It has come to my attention that despite this law, Standard Forms 189, its counterpart for civilian contractors 189A, and 4193 are being used by the Administration. It has been reported to me that employees, and contractor employees, of the Federal government have been required to sign these forms since the law's enactment.

In order that the House Government Operations Committee can effectively oversee the enforcement of and compliance with this law, I request that you advise me of your agency's implementation of this statute. Specifically, what has your agency done to secure compliance with Section 603 of P.L. 100-202? How has your agency notified its employees and contractor employees of this law and your agency's compliance procedures. If signatures were obtained on these contracts, or other prohibited ones, since enactment, how has your agency remedied this violation? Please provide copies of all orders, directives, instructions, memoranda that your agency has created, or received, pertaining to this law.

Congress passed this moratorium on nondisclosure agreements because they impinge on the First Amendment rights and other freedoms of our citizens. Because of the seriousness of this issue, I would like to have your response to this inquiry no later than February 19, 1988.

With every good wish, I am

Sincerely,


JACK BROOKS
Chairman

